

The Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

EAGLE HARBOR HOLDINGS, LLC, and
MEDIUSTECH, LLC,

Plaintiffs,

v.

FORD MOTOR COMPANY,

Defendant.

Case No. 3:11-cv-05503-BHS

**FORD'S MOTION TO FILE
DOCUMENTS UNDER SEAL**

NOTE ON MOTION CALENDAR:
March 27, 2015

Pursuant to Local Civil Rule (5)(g), Ford Motor Company ("Ford") respectfully moves the Court for an order authorizing Ford to file under seal:

(a) Ford's Brief Regarding Exclusion of Michael Wagner's New Damages Opinions ("Ford's Brief"), and

(b) Exhibits 1-3 to the Declaration of Rebecca Izzo ("Izzo Declaration") submitted in support of Ford's Brief.

The material the parties seek to file under seal is listed below. These documents contain sensitive information that Ford considers proprietary.

FORD'S MOTION TO FILE DOCUMENTS UNDER SEAL - 1
No. 3:11-cv-05503-BHS

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1 **1. Ford's Brief Regarding Exclusion of Michael Wagner's New**
2 **Damages Opinions**

3 Ford's brief cites to highly confidential financial information, including
4 Ford's costs and revenues associated with SYNC.

5 **2. Izzo Declaration Exhibit 1: Mr. Wagner's Schedule 1.0a (Plaintiffs'**
6 **Exhibit 2122).**

7 Mr. Wagner's Schedule 1.0a (Plaintiffs' Exhibit 2122) contains highly
8 confidential financial and business information, including Ford's sales
9 volumes of SYNC units.

10 **3. Izzo Declaration Exhibit 2: Plaintiffs' proposed demonstratives for the**
11 **testimony of Michael Wagner (slides 11-14).**

12 Plaintiffs' proposed demonstratives for the testimony of Michael
13 Wagner (slides 11-14) contains highly confidential financial and
14 business information, including Ford's sales volumes of SYNC units.

15 **4. Izzo Declaration Exhibit 3: Mr. Wagner's Schedule 2.0 of the**
16 **Supplemental Expert Report of Michael Wagner, dated February 6,**
17 **2015.**

18 Mr. Wagner's Schedule 2.0 contains highly confidential financial and
19 business information, including Ford's revenues, costs, sales volumes
20 and profit margins for SYNC.

21 These documents are submitted in support of Ford's Brief. These documents contain
22 Ford's highly confidential sales volumes, revenue, cost and profit information regarding SYNC
23 and have been designated Highly Confidential – Attorneys' Eyes Only under the parties'
24 Confidentiality Agreement.

25 The parties have previously conferred regarding this information, which is contained in
26 Mr. Wagner's reports, and agreed it should be filed under seal. The parties will confer further
27 after this motion is filed to determine whether additional information may be filed publicly.

 Open discovery is favored in this district, and there is a presumption of access to
publically filed documents. LCR 5(g). The confidential and sensitive nature of the material
discussed in these documents, however, is good cause to keep the documents under seal. *See*

1 *Myhrvold v. Lodsyst Grp., LLC*, C13-1173 RAJ, 2013 WL 5488791, at *4 (W.D. Wash. Sept. 27,
2 2013) (party must show good cause to keep documents under seal); *EEOC v. Fry's Elecs., Inc.*,
3 No C10-1562RSL, 2012 WL 1642305, at *5 (W.D. Wash. May 10, 2012) (finding good cause
4 for sealing personnel records of third parties); *Boucher v. First Am. Title Ins. Co.*, No. C10-
5 199RAJ, 2011 WL 5299497, at *5 (W.D. Wash. Nov. 4, 2011) (finding good cause and granting
6 motion to seal a party's competitively sensitive licenses with a third party; noting that
7 redactions were limited to very specific portions of documents). Ford therefore respectfully
8 requests that the Court authorize the filing under seal of Ford's Brief and Exs. 1-3 to the Izzo
9 Declaration in support thereof.
10

11 DATED: March 16, 2015

12 **SAVITT BRUCE & WILLEY LLP**

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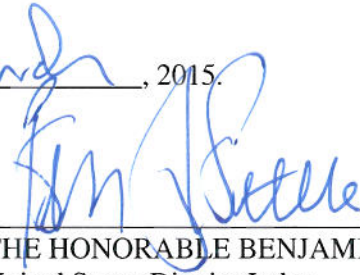
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Attorneys for Defendant Ford Motor Company

1 **IT IS SO ORDERED.**

2 Dated this 26 day of March, 2015.

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4 
5 THE HONORABLE BENJAMIN H. SETTLE
6 United States District Judge
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